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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,722	05/14/2001	Timothy Russell Klos	P20422	6623

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EXAMINER

NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,722

Applicant(s)

KLOS ET AL.

Examiner

Toan D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Barzegar et al. (U.S. Patent 6,363,079 B1).

For claim 1, Barzegar et al. disclose multifunction interface facility connecting wideband multiple access subscriber loops with various networks comprising:

receiving at a provisioning server a service order requesting the DSL service from a service order entry system (figure 4B, col. 10 lines 25-29);

assigning a plurality of facilities needed to implement the service order based on provisioning data indicated by the service order, the plurality of facilities comprising at least a remote terminal connectable to a terminal of a DSL subscriber and an optical concentrator device connectable to the remote terminal (figure 1, col. 5 lines 28-35);

determining an interface corresponding to each of the plurality of facilities, each interface converting the service order data into a specific protocol corresponding to the assigned facility (figure 2, col. 7 lines 1-23); and

configuring each of the plurality of facilities, using the corresponding interface, to implement the service order based on instructions from the provision server (figures 1 and 4A, col. 6 lines 3-15 and col. 10 lines 46-63).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barzegar et al. (U.S. Patent 6,363,079 B1) in view of Jones et al. (U.S. Patent 6,307,836 B1).

For claims 2, 19 and 32, Barzegar et al. disclose determining at least one path interconnecting the plurality of facilities (figure 1, col. 5 lines 1-51).

However, Barzegar et al. do not disclose a subscriber port of the remote terminal, the subscriber port being configured to connect with the DSL subscriber terminal. In an analogous art, Jones et al. disclose a subscriber port of the remote terminal, the subscriber port being

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configured to connect with the DSL subscriber terminal (figure 1, col. 7 lines 32-35). One skilled in the art would have recognized a subscriber port of the remote terminal to use the teachings of Jones et al. in the system of Barzegar et al. Therefore it would have been obvious to one of ordinary skill in the art at the time invention, to use the subscriber port of the remote terminal as taught by Jones et al. in Barzegar et al.'s with the motivation being to provide a contract between user and a communications provider or carrier by manipulation of user control interface (col. 7 lines 38-40).

For claims 3, 20 and 33, Barzegar et al. in view of Jones et al. disclose determining and implementing a cross-connection in at least one of the plurality of facilities to enable the at least one path interconnecting the plurality of facilities and the subscriber port (figure 4A, col. 12 lines 1-12).

For claims 4, 21 and 34-36, Barzegar et al. disclose storing configuration data in a system database, the configuration data comprising data identifying the plurality of facilities assigned to implement the service order, the at least one path interconnecting the plurality of facilities and the subscriber port of the remote terminal, and the cross-connection in the at least one of the plurality of facilities (figure 4B, col. 10 lines 25-38).

For claims 5 and 6, Jones et al. disclose wherein the service order indicates the provisioning data by at least one of providing the provisioning data and providing a profile identification that corresponds to parameters that define the DSL service (figure 3, col. 10 line 37).

For claims 7, 11, 22-23, 25-26, 30 and 37, Jones et al. disclose:

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determining whether the service order comprises erroneous data (col. 9 lines 52-60, col. 10 line 38); and

when the service order is determined to comprise erroneous data, Barzegar et al. disclose displaying at a graphical user interface an error message, which identifies the erroneous data, and receiving input from the graphical user interface to correct the erroneous data (figure 3A, col. 9 lines 17-32).

For claims 8, 13-18, 24, 31 and 38, Barzegar et al. disclose multifunction interface facility connecting wideband multiple access subscriber loops with various networks comprising:

receiving a service order at a common server via a service order entry system, the service order corresponding to a DSL subscriber (figure 4B, col. 10 lines 25-29);

determining facility assignment data related to each of a plurality of facilities needed to implement the provisionable steps, the facility assignment data comprising identification of at least a remote terminal and a subscriber port, connectable to a terminal of the DSL subscriber, and an optical concentrator device connectable to the remote terminal; (figure 1, col. 5 lines 28-35);

determining an interface for each of the plurality of facilities, each interface enabling communication with the corresponding one of the plurality of facilities (figure 2, col. 7 lines 1-23); and

configuring each of the plurality of facilities to implement the service order based on instructions communicated from the common server to each of the plurality of facilities using the corresponding interface (figures 1 and 4A, col. 6 lines 3-15 and col. 10 lines 46-63). In claim 24, Barzegar et al. disclose further a system database connected to the server that stores data relating

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to the service order (figure 4B, col. 10 lines 25-38) and plurality of interfaces corresponding to the plurality of network facilities (figure 2, col. 7 lines 1-23).

However, Barzegar et al. do not explicitly disclose converting the service order into provisional steps; and the facility assignment data comprising identification of at least a remote terminal and a subscriber port. In an analogous art, Jones et al. disclose converting the service order into provisional steps (figure 3, col. 9 lines 23-45); and the facility assignment data comprising identification of at least a remote terminal and a subscriber port (figure 1, col. 7 lines 32-42 and col. 10 line 37). One skilled in the art would have recognized converting the service order into provisional steps; and an identification of at least a remote terminal and a subscriber port to use the teachings of Jones et al. in the system of Barzegar et al. Therefore it would have been obvious to one of ordinary skill in the art at the time invention, to use the service order into provisional steps; and the identification of at least a remote terminal and the subscriber port as taught by Jones et al. in Barzegar et al.'s system with the motivation being to notify the operations that the service is operational (col. 9 lines 39-41).

For claim 9, Jones et al. disclose formatting data from the service order into a common internal format prior to converting the service order into provisional steps (col. 3 lines 1-6, and col. 9 lines 28-30).

For claim 10, Jones et al. disclose validating an intent of the service order with respect to a state of a port of the remote terminal associated with the DSL subscriber and provisioning the service order in the remote terminal upon successful validation (figure 1, col. 7 lines 32-47).

For claims 12 and 27-29, Jones et al. disclose the configuring each of plurality of facilities to implement the service order comprising one of building, deleting or changing at least

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one virtual path over optical fiber connection between the remote terminal and the optical concentrator device (col. 9 lines 52-55 and col. 10 lines 42-43).

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

TN
T.N.



**ALPUS H. HSU
PRIMARY EXAMINER**